GPN-J-332-ARHCB-8_94-13,10,500-ALA4.
SPL.H.C.A.S.C.D. 79e.

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE.
CRIMINAL APPLICATION NO. 3850 OF 2003
IN
CRI. APPLICATION NO. 1151 OF 2005

The State of Maharashtra ...Applicant
versus
Eknath Hiru Mate & ors. ...Respondent.

Office Notes, Office Memorada orders or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A.M.Shringarpure APP for State.
Shri Ashish Arersekar with Rajendra Shirodkar for Respdt.

CORAM; V.G. PALSHIKAR &
V.C. DAGA, JJ.
DTAED; 13TH JUNE, 2005.

P.C.

1. Application for condonation of delay allowed for reasons mentioned therein. Heard Ld. APP on merits of the application for leave to appeal against the order of acquittal. Order of acquittal is based on proper appreciation of evidence. The learned Judge has drawn adverse inference against the prosecution for not examining certain witness who could have been examined but

were not examined. One of the reasons for acquittal is also unexplained delay in the matter of holding test identification parade. In such circumstances, it cannot be said that the order of acquittal is purverse or illegal. Hence leave rejected.

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